

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated March 26, 2008 and the telephone conversation with the Petition Examiner on February 2, 2009.

The Petition Examiner Advised Applicants to submit a substance response to the final Office Action.

In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

As outlined above, claims 29-30 stand for consideration in this application. Claims 29-30 are being amended, as set forth above and in the attached marked-up presentation of the claim amendments, in order to more particularly define and distinctly claim Applicants' invention. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Prior Art Rejections

Claims 29-30 under 35 U.S.C. §103 (a) as being unpatentable over Goldszmidt et al. (US 7,054,943) in view of newly cited Brichta (US 5,84,483). Applicants have reviewed the above rejection, and hereby respectfully traverse.

The method of the new claim 29 is directed to allocating hardware resources per computer per each user (can be a person or a company, p. 25, line 16). In particular, the invention urges a user to enter (Figs. 20 & 23) at least the upper limit number (e.g., 8 servers) and the lower limit number (e.g., 2 servers) of computers to be allocated (last two columns of T20 in Fig. 4), a throughput ratio of an output transaction to an input transaction (p. 12, lines 13-14; Fig. 23), and an average transaction process latency (bottom field of Fig. 23; p. 12, lines 14-15) as a threshold level of a load condition (e.g., "*all the servers are made to run at a CPU operation rate smaller than 50 %*" p. 17, lines 18-20) of the computers allocated. Based on the user's entry, a certain number of computers are initially allocated to the user and started. Then, said throughput ratio of an output transaction to an input transaction and

said average transaction process latency of the computers currently allocated to the user is monitored. If one of the monitored throughput ratio and the monitored average transaction process latency indicates that the computers currently allocated to the user are overloaded, and that the number of the computers currently allocated is smaller than the upper limit number, and that there is at least one idle computer in the system, the idle computer is allocated to the user (e.g., *"If the operation rate becomes 50% or higher, eight servers at a maximum are allocated, i.e., eight Web servers, eight AP servers and eight DB servers."* P. 17, lines 21-23).

Applicants respectfully contend that the cited references fail to teach or suggest "urging a user to input an average transaction process latency as a threshold level of a load condition of computers allocated to the user; and monitoring said average transaction process latency of the computers currently allocated to the user to locate an idle computer to the user if the computers allocated to the user are overloaded" according to the present invention.

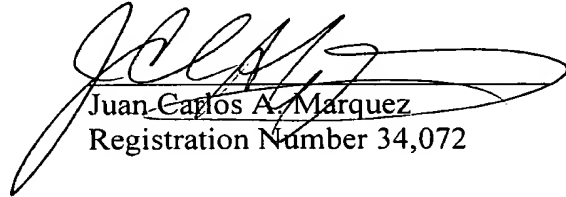
Applicants contend that the cited references and their combinations fail to teach or suggest each and every feature of the present invention as recited in independent claim 29. As such, the present invention as now claimed is distinguishable and thereby allowable over the rejections raised in the Office Action. The withdrawal of the outstanding prior art rejections is in order, and is respectfully solicited.

Conclusion

In view of all the above, Applicants respectfully submit that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,



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